

## **REMARKS**

The present Response is being filed under a Certificate of Mailing as indicated. Claims 1-2, 5-9, 11-12, 15-17, 19, 21-24 and 27-31 are pending. Claims 1, 11, 21, and 22 have been amended. Claims 3, 4, 10, 13, 14, 18, 20, 25, 26, 32-40 have been cancelled. Claim 41 has been withdrawn.

### **Previous amendment**

The text of claims 4 and 14 have been deleted.

### **Claim Objection**

Claim 22 has been amended to recite “said trial,” instead of “said trail.”

### **§102**

Claims 1, 2, 5, 6-9, 11, 12, 15-17, 19, 21-24, 27-29 and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 2,181,746 to Siebrandt (“Siebrandt”). Claim 1 has been amended to include the limitation of a thumbwheel between the first and second portions of the crescent-shaped member. The thumbwheel is adapted to lock the portions relative to one another. Furthermore, the thumbwheel is located at the pivot centerline of the body. Siebrandt does not disclose a thumbwheel between the two jaws 12, 14. Therefore, claim 1 and its dependents are believed to be allowable.

Claim 11 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 11 and its dependents are believed to be allowable.

Claim 21 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 21 and its dependents are believed to be allowable.

Claims 1, 2, 5-9, 11, 12, 15-17, 19, 21-24 and 27-31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,277,123 to Maroney (“Maroney”). As stated above, claim 1 has been amended to recite a thumbwheel connecting the first and second portions, and the thumbwheel being located at a pivot centerline of the body. Maroney does not disclose such a thumbwheel. Therefore, claim 1 and its dependents are believed to be allowable over Maroney.

Claim 11 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 11 and its dependents are believed to be allowable.

Claim 21 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 21 and its dependents are believed to be allowable.

Claims 1, 2, 5-9, 11, 12, 15-17, 19, 21-24 and 28-31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,342,362 to Kenyon ("Kenyon"). As stated above, claim 1 has been amended to recite a thumbwheel connecting the first and second portions, and the thumbwheel being located at a pivot centerline of the body. Kenyon does not disclose such a thumbwheel. Therefore, claim 1 and its dependents are believed to be allowable over Kenyon.

Claim 11 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 11 and its dependents are believed to be allowable.

Claim 21 includes the same limitations of a thumbwheel between the two portions of the crescent-shaped member and that is also located along the pivot centerline of the body. Therefore, for at least the reason stated above in reference to claim 1, claim 21 and its dependents are believed to be allowable.

### **Conclusion**

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1-2, 5-9, 11-12, 15-17, 19, 21-24, 27-31 are currently in condition for allowance. A Notice of Allowance is respectfully requested. As this response is being filed within four months of the mailing date, it is believed that only a one-month extension of time is due with this response. However, any additional fees associated with the filing of this Response may be charged to Johnson & Johnson Deposit Account No. 10-0750/DEP5108USA/CKT.

Cynthia K. Barnett

/Cynthia K. Barnett/

Attorney for Applicants  
Reg. No. 48,655

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(574) 372-7332  
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